

SENATE BILL 36
By Cohen

AN ACT to amend Tennessee Code Annotated, Title 55,
Chapter 50, Part 3, relative to driver licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-311, is amended by adding the following language as a new, appropriately designated subsection:

(m)(1) No driver possessing a learner permit or intermediate driver license pursuant to the provisions of this section shall operate a motor vehicle on any highway while using a hand held cellular telephone, cellular car telephone, or other mobile telephone.

(2) A violation of this subsection is a Class B misdemeanor, punishable only as follows:

(A) A fine of one hundred dollars (\$100); and

(B) Such driver shall be ineligible to apply for an intermediate or unrestricted driver license for an additional ninety (90) days from the time such driver would otherwise be eligible to obtain such license type.

(3) It is an affirmative defense to prosecution under this subsection, which must be proven by a preponderance of the evidence, that the driver's use of a hand held cellular or cellular car telephone was necessitated by a *bona fide* emergency.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.